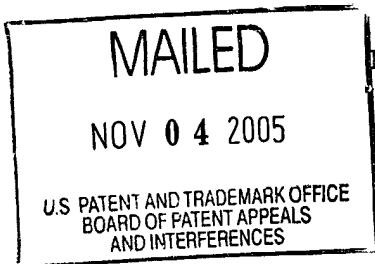


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN L. EIKENBERG

Application No. 09/828,601

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 11, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

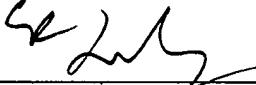
On October 31, 2002, appellant filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellant as to why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

In addition, on April 4, 2001, appellant filed a Declaration under 37 CFR § 1.56. There is no indication in the record as to whether or not the examiner has acknowledged receipt and consideration of said Declaration.

Accordingly, it is

ORDERED that the application is returned to the examiner to consider the IDS filed on October 31, 2002, written notification to appellant of consideration, to consider appellant's Rule 1.56 Declaration filed on April 4, 2001, written notification to appellant of consideration, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

cc: Office of the Staff Judge Advocate
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CRF/clm/pc